visit a camp is not, in a legal sense, the invitation of the company. The decision in the principal case seems to be supported by the authorities as well as by reason.

PUBLIC OFFICERS—DE FACTO OFFICER—WHAT CONSTITUTES.—Plaintiff filed a bill in equity to enjoin county officials from paying L., for services rendered as special state's attorney appointed by the court for the purpose of prosecuting primary election frauds. *Held,* L was entitled to his salary, *Lavin* v. *Board of Commissioners of Cook County et al.* (1910), — Ill. —, 92 N. E. 291.

Though the judges were unanimous in holding that L was entitled to his salary, they did not agree as to the character of his position, a majority of the court holding L to be at least a de facto officer (*State* v. *Messervy,* — S. C. —, 68 S. E. 766; *State* v. *Carroll,* 38 Conn. 449; while the three dissenting judges were of opinion that he was a mere employee or agent. The minority opinion seemed to be based on the constitutional definition of an officer and employee. Const. Art. 5, § 24: *Bunn* v. *People,* 45 Ill. 397. In the opinion of the writer L would seem to be a de jure officer: *State* v. *Staton,* 73 N. C. 546, 21 Am. Rep. 479; because all the circumstances provided for in the statute under which he was appointed were present. Therefore the sounder view would seem to be that of the majority of the court.

TELEGRAPH COMPANIES — STATUS OF A TELEGRAPH COMPANY BETWEEN SENDER AND SENDEE OF A TELEGRAM.—S & S sent a telegram to C. L. S. & C. Co., offering a lot of steers at $3.95 per cwt. The telegraph company erred in the transmission of the message and made the quotation read $3.25 per cwt. C. L. S. & Co. wired their acceptance and the steers were shipped, but they refused to pay more than at the rate of $3.25 per hundred pounds. S. & S. sued the telegraph company for the loss caused by D's mistake. *Held,* the telegraph company is not the agent of the sender of the telegram, and the sender is not liable to the receiver of the message by the terms, as negligently altered by the transmitting company. *Strong et al.* v. *W. U. Telegraph Co.* (1910), — Idaho —, 109 Pac. 910.

The law concerning telegraph companies is still in course of formation, and the rule set forth in the principal case follows that laid down in the early English and Scotch cases. The fact that the telegraph lines in these countries are owned and operated by the government and that the government is not liable for the negligence of one of its servants, led the English and Scotch courts to refuse the agency doctrine. *Henkel* v. *Pape,* L. R. 6 Exch. 7; *Verdin* v. *Robertson,* 10 Sess. Cas. (3rd. Series) 35. However, the American cases holding to the view of non-agency, declare that no control exists over the telegraph company by the sender, and that it acts as an independent party in serving the public, having authority only to transmit the message as given to it, of which fact the sendee is supposed to have notice, and that no liability can be imposed by an altered message. *Pepper* v. *W. U. Telegraph Co.,* 87 Tenn. 554; *Postal Teleg. Co.* v. *Schaefer,* 110 Ky. 907; *Pegram* v. *W. U. Teleg. Co.,* 100 N. C. 28; *Shingleur* v. *W. U. Teleg. Co.,* 72 Miss.

1030; *Postal Teleg. Co.* v. *Akron Cereal Co.*, 23 Ohio C. C. 516. The cases of the contrary view find in the business necessity of the sender of a telegram, honoring the terms of the message as received by the sendee, together with the fact that he has selected it as the medium to transmit his offer, sufficient reasons for making the law of agency apply to this comparatively new phase of business life, telegraphing. *W. U. Teleg. Co.* v. *Shotter*, 71 Ga. 760; *Ayer* v. *W. U. Teleg. Co.*, 79 Me. 493; *A. B. Brewing Assoc.* v. *Hutmacker*, 127 Ill. 652; *Magie* v. *Herman*, 50 Minn. 424; *Dunning* v. *Roberts*, 35 Barb. (N. Y.) 463; *N. Y. etc. Printing and Teleg. Co.* v. *Dryburg*, 35 Pa. St. 298; *Saveland* v. *Green*, 40 Wis. 431. The principal case states that conceding the presence of an agency relation, its character would be limited or specific in its scope and extend only to transmitting the message, identically as given by the sender, and the sendee as well as every one else would have notice of its limitation and of the inability of the telegraph company to impose any additional liability on the sender by negligent alteration.

TELEGRAPHS AND TELEPHONES—USE OF STREETS BY TELEGRAPH COMPANY—CONTROL AND REGULATION BY CITY.—The W. T. U. Co., authorized by its charter and by acts of Congress, was using the streets and alleys of Richmond, Va., for its poles and wires. It brought this bill to determine its rights with reference to an ordinance passed by the city. That ordinance regulates the size, number, and location of poles; requires the company to allow other persons or companies to use its poles under certain conditions; gives the city the right to use the poles for its fire alarm wires; and creates an "underground district" within which wires must be placed under ground. *Held*, the ordinance is not a restriction upon any right to use the streets given the company by the federal statutes, but on its face is a reasonable exercise of the police power and is valid. *Western Union Telegraph Co.* v. *City of Richmond* (1909), — C. C., E. D., Va. —, 178 Fed. 310.

There is no dispute at this day that telegraph companies doing business under congressional acts (U. S. Comp. St. 1901, p. 3579 et seq., and p. 2708) are subject to the police power of the state and municipality. *Richmond* v. *Southern Bell Telephone and Telegraph Co.*, 174 U. S. 761; *Village of Jonesville* v. *Southern Mich. Telephone Co.*, 155 Mich. 86. The question is, what is a reasonable exercise of police power? Laws requiring electric wires to be placed under ground are a legitimate exercise of police power. *People* v. *Squire*, 107 N. Y. 593; *American Rapid Tel. Co.* v. *Hess*, 12 N. Y. Supp. 536; *Northwestern Tel. Exch. Co.* v. *City of Minneapolis*, 81 Minn. 140. Removing electrical wires and poles not removed by the owner after notice is valid police regulation. *American Rapid Tel. Co.* v. *Hess*, 12 N. Y. Supp. 536. That a company shall have permission from board of commissioners or special officer before doing certain contruction work or be prosecuted is not impairing the rights of contracts, and is valid exercise of police power. *People* v. *Squire*, 145 U. S. 175; *People* v. *Squire*, 107 N. Y. 593; *City of Carthage* v. *Garner*, 209 Mo. 688. A company which has already obtained permission from a city council to occupy the streets on certain conditions is subject to subsequent regulations. *People* v. *Squire*, 145 U. S. 175. The